

ASSEMBLY BILL

No. 1219

Introduced by Assembly Member Frommer

February 23, 2001

An act to add Section 12130.5 to the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1219, as introduced, Frommer. Firearms: safety mechanisms.

Existing law generally regulates safety design aspects for handguns.

This bill, in addition, would provide that no licensed firearms dealer may sell any pistol, revolver, or other firearm capable of being concealed upon the person that is manufactured on or after January 1, 2004, except to a peace officer, as defined, unless that firearm includes an integrated mechanical safety device or other incorporated design technology that is designed to prevent children and other unauthorized users from discharging the handgun, as specified. Violation of these provisions is punishable by a fine of \$50,000 for each firearm in violation of the provisions. This bill would also require the Attorney General to adopt rules and regulations for the implementation and enforcement of these provisions.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12130.5 is added to the Penal Code, to
2 read:
3 12130.5. (a) No licensed firearms dealer may sell any pistol,
4 revolver, or other firearm capable of being concealed upon the
5 person that is manufactured on or after January 1, 2004, unless that
6 firearm includes an integrated mechanical safety device or other
7 incorporated design technology that is designed to prevent
8 children and other unauthorized users from discharging the
9 handgun.
10 (b) For purposes of this section, “integrated mechanical safety
11 device” means a disabling or locking device that is incorporated
12 within the handgun’s design, and as part of its original
13 manufacture, technology that automatically limits its operational
14 use, and that cannot be readily deactivated, so that it may only be
15 fired by an authorized or recognized user. The technology limiting
16 the handgun’s operational use may include, but is not limited to,
17 radio tagging, touch memory, remote control, fingerprint,
18 magnetic encoding, and other automatic user identification
19 systems using biometrics, mechanical and electronic systems.
20 (c) The Attorney General shall adopt rules and regulations for
21 the implementation and enforcement of this section.
22 (d) A violation of this section is punishable by a fine of fifty
23 thousand dollars (\$50,000) for each firearm that is in violation of
24 this section.
25 (e) This section shall not apply to the sale of any pistol,
26 revolver, or other firearm to any peace officer described in Section
27 830.1 or 830.2.
28 SEC. 2. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 the only costs that may be incurred by a local agency or school
31 district will be incurred because this act creates a new crime or
32 infraction, eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section 17556 of
34 the Government Code, or changes the definition of a crime within



1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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